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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,742	12/08/2003	John Piechowiak	82986	2684
22242	7590	11/18/2005	EXAMINER RO, BENTSU	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,742	PIECHOWIAK ET AL.	
	Examiner	Art Unit	
	Bentsu Ro	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-46 is/are allowed.
- 6) ☒ Claim(s) 47-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

FIRST OFFICE ACTION

1. This application contains at least two different inventive subject matters, one is data entering in the communication port and the other is light switching, therefore, the two different subject matters are restrictable. In this office action, however, the examiner has examined all of the claims. In the amendment, if applicant add extra set(s) of claims and requiring the examiner to make further search, the examiner will impose a restriction requirement.

If the examiner impose a restriction requirement, then only the first group of claims will be examined, namely claims 40-46. All other claims should be canceled.

Applicant can file a divisional application to cover the subject matter of the canceled claims.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 47-49 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Suman et al US Patent No. 5,903,226.

Claims read onto Suman et al teaching as follows:

The claims:	Suman et al teaching:
47. (New) A barrier movement operator	Fig. 1 shows a garage door opener mechanism 10;

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<p>comprising a motor drive unit comprising a motor adapted to move a barrier,</p> <p>a light for illuminating an area in the vicinity of the barrier</p> <p>and a controller</p> <p>and a keypad console</p> <p>including a light enabling switch</p> <p>for rf communicating with the controller of motor drive unit;</p> <p>the controller being responsive to an rf transmission from the keypad console indicating activation of the light enabling switch for controlling illumination of light.</p>	<p>the motor drive unit and/or the motor are not shown in Fig. 1 but are inside the door opener mechanism 10; see column 4, lines 26-29;</p> <p>Fig. 1 shows a lamp 12;</p> <p>Fig. 1 shows a control module 24; Fig. 4 shows the control feature of the control module 24; Fig. 10 shows the circuit structure of the control module 24; it is noted that the control module 24 can be trained to control several different operations of the garage door opener mechanism 10, including the light control and garage door opening control by using different key switches; see Fig. 10;</p> <p>Fig. 3 shows a transmitter 22 having three switches 192-196; the switches 192-196 constitute a keypad console;</p> <p>the switch 192 can be trained as a light enabling switch, see column 19, line 31 through column 20, line 26;</p> <p>the transmitter 22 communicates with a rf receiver (shown in Fig. 11) inside the control module 24; for the words "radio frequency (rf)", see title or column 4, line 13 and column 20, line 21, for example;</p> <p>see column 19, line 51 through column 20, line 26 for the training of the transmitter.</p>
<p>48. (New) A barrier movement operator according to claim 47, wherein the</p>	<p>same as claim 47; also see Fig. 10, the "LIGHTS.ON" input</p>

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illumination state of the light may be either on or off and the controller responds to an rf transmission from the keypad console by placing the light in on illumination state.	144 to the microcontroller 143.
49. (New) A barrier movement operator according to claim 47, wherein the illuminations state of the light may be either on or off and the controller responds to an rf transmission from the keypad console by toggling the illumination of the light between the on and off states.	same as claim 47; also see Fig. 10, the "LIGHTS ON OFF ONLY" input 147.

4. Claims 40-46 are allowable.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.

11/16/2005


Bentsu Ro
Senior Examiner
Art Unit 2837